

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**LILLIE MAE WILLIAMS**

**Plaintiff,**

**v.**

**1:04-CV-860  
(GLS)**

**UNITED STATES**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

LILLIE MAE WILLIAMS  
Plaintiff, *Pro Se*  
Last Known Address:  
1333 N Street, NW  
Washington, D.C., 20005

**FOR THE DEFENDANT:**

U.S. Department of Justice  
P.O. Box 55  
Ben Franklin Station  
Washington, DC 20044

KAREN WOZNIAK  
Assistant U.S. Attorney

**GARY L. SHARPE**  
**United States District Judge**

## ORDER

On July 21, 2004, Lillie Mae Williams filed a *pro se* complaint alleging that the defendant failed to provide her with a replacement check for the 1981 income tax period. *See Dkt. No. 1*. On that same day, Williams also filed an *In Forma Pauperis* application. *See Dkt. No. 2*. On February 7, 2005, defendant United States filed an answer. *See Dkt. No. 15*. On June 1, 2005, defendant filed a motion to dismiss. *See Dkt. No. 31*.

On October 19, 2005, this court sent Williams a document rejection order. *See Dkt. No. 40*. On October 21, 2005, the document rejection order was returned as undeliverable. *See Dkt. No. 41*. Accordingly, the court issued a November 7, 2005 order, directing Williams to notify the court of her current address within fourteen days. *Dkt. No. 43*. The court warned Williams that her failure to comply would result in dismissal for failure to comply with L.R. 10.1(b) and 41.2(b). On November 10, the order was returned to this court as undeliverable. *See Dkt. No. 44*. Despite her knowledge of her obligation to apprise the court of her current address and the consequences of failing to do so, Williams has not complied with the court's November 7th order.

This court finds that William's failure to provide the court with a

change of address warrants dismissal. Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action for failure to prosecute. Courts in the Northern District of New York have dismissed lawsuits brought by *pro se* plaintiffs for failure to provide a current address. See *Fenza v. Conklin*, 177 F.R.D. 126 (N.D.N.Y. 1988); *Williams v. Faulkner*, 95-CV-741, 1998 WL 278288 (N.D.N.Y. May 20, 1998); *Dansby v. Albany County Corr. Facility Staff*, 95-CV-1525, 1996 WL 172699 (N.D.N.Y. April 10, 1996).

**WHEREFORE**, for the foregoing reasons, it is hereby

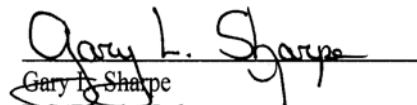
**ORDERED**, that William's complaint is **DISMISSED** for failure to notify the court of her current address, for failure to prosecute, and for failure to comply with this court's November 7, 2005 order, and it is further

**ORDERED** that the defendants' motion to dismiss, *Dkt. No. 31*, is **DENIED AS MOOT**; and it is further

**ORDERED** that the Clerk of the Court provide copies of this Order to all the parties and particularly to Williams at her last known address, and it is further

**ORDERED** that the Clerk close the case.

January 5, 2006  
Albany, NY

  
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Gary L. Sharpe  
U.S. District Judge